

REMARKS

Applicant thanks the Examiner for the detailed analysis and remarks and requests reconsideration of the claims for the following reasons.

Claims 1-3, 5, 7-9 and 12-14 were rejected as being obvious over the Shashua (U.S. 5,821,943) as modified in view of the IEEE paper authored by Park.

The Examiner argues that a reason was provided as to why a person of ordinary skill would make the proposed combination and then goes on to quote recent case law. However, a proposed combination is not proper if no benefit is provided, or if the proposed combination would destroy an intended operation of the base reference, in this case Shashua.

In this instance the proposed combination provides no benefit. Both the Park and Shashua solve the problem of generating a 3D image from 2D images utilizing very different methods, and teach away from the proposed combination. One skilled in the art would not develop a system using at several 2D images at different angles as in the Shashua system, and then add a system as disclosed in Park using one camera and projected lines on the object. The two discloses system operate very differently and would not be combined by one skilled in the art.

Further, the Park references specifically states that more than one camera for obtaining 2D images is not desirable. (Page 66, 2nd paragraph from bottom in Column 2). Therefore, the Examiner is attempting to combine a system that requires and utilizes many 2D images to compile a 3D image (Shashua) with a system that uses only one 2D image, and that specifically states that more than one 2D camera or image reduces system performance without benefit. The entire reason for using the scanned light as disclosed in the Park reference is to obtain 3D images with only one 2D image. In contrast, the Shashua device utilizes many 2D images to formulate the desired 3D image. For these reasons, the two references teach away from the proposed combination.

Further, the proposed combination would require such a change in operation of the base reference (Shashua) as to destroy its intended operation. As appreciated, a proposed combination cannot destroy an intended operation of the base reference. In this case, the purpose of Shashua is to generate a novel view of a 3D scene. The novel view is not one that is provided by any of the 2D images. (Col 1, lines 25-65, and Col 3, lines 10-20). The use of the scanning disclosed in the Park reference is utilized to eliminate the need for more than one camera and view to reduce the accumulation of errors and other problems encountered with the use of multiple cameras and

images (Park, page 65, last paragraph, and page 66 first full paragraph). The entire disclosure of the Shashua reference provides a process of combining many 2D images from different cameras for creating a 3D image from many 2D images, where the entire disclosure of the Park references is focused on using only one camera. If the scanning system disclosed in the Park system was somehow combined with the Shashua device, the Shashua device would no longer operate as intended and would become inoperable for its intended purpose. As appreciated by the Examiner, a proposed combination cannot render the base reference inoperable for its intended use.

Accordingly, simply because both Park and Shashua disclose a method of generating a 3D image from a 2D images does not mean that they are therefore combinable. As discussed above, the methods and processes are very different.

The rejections to the remaining claims all depend on the combination of Shashua and Park. For the reasons discussed above, this combination is not proper and Applicant requests reconsideration and withdrawal of the rejection to the claims. .

Accordingly, the claims 1-16 are in condition for allowance. Therefore, favorable reconsideration and allowance of this application is respectfully requested. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 21-0279, in the name of United Technologies Corporation, for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

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